

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
Council Chambers – 3300 Newport Boulevard
Wednesday, December 12, 2012
REGULAR HEARING
3:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 3:30 p.m.

Staff Present: Patrick Alford, Acting Zoning Administrator
Benjamin M. Zdeba, Assistant Planner
Gregg Ramirez, Senior Planner

B. MINUTES of November 28, 2012

Action: Continued

C. PUBLIC HEARING ITEMS

ITEM NO. 1 Coffee Bean & Tea Leaf Minor Use Permit No. UP2012-027 (PA2012-153)
1128 Irvine Avenue CD 3

Benjamin Zdeba, Assistant Planner, provided a brief project description and noted that the proposed use was to occupy the former Starbucks Coffee tenant space. He stated the request was for a food service, eating and drinking establishment with 24 seats and 560 square feet of net public area. He further noted that the use will be compatible with the other shopping center tenants and that there were no problems associated with the previous coffee shop tenant.

Acting Zoning Administrator, Patrick Alford, opened the public hearing.

Jim Mosher, resident, requested clarification regarding the existing entitlements for the space and further questioned condition of approval number 17 regarding trash enclosures.

Mr. Zdeba clarified the minor use permit would supersede the specialty food permit for Starbucks Coffee and the new use permit was required since specialty food permits are no longer issued. Furthermore he added the trash enclosure condition of approval covers both new trash enclosures and existing trash enclosures to ensure trash is disposed of and stored properly.

The Acting Zoning Administrator closed the public hearing.

Mr. Alford read into the record revised facts in support of findings for the resolution and approved the item as submitted.

Action: Approved

ITEM NO. 2 Reusing Lot Line Adjustment No. LA2012-006 (PA2012-124)
609 Vista Bonita CD 4

This application was withdrawn by the applicant.

Action: No action required.

ITEM NO. 3

Thai Body Works Minor Permit No. UP2012-023 (PA2012-136)
3617 E. Coast Highway, Suite B

CD 6

Gregg Ramirez, Senior Planner, provided a brief project description and noted that the proposed use was to occupy a vacant tenant space at an existing retail center. He explained that the proposed establishment includes four therapy rooms, the proposed hours of operation are 10:00 am to 9:00 pm and that the applicant is requesting that a parking rate of 1 space per 250 square feet of floor area (5 parking spaces) be established by the minor use permit; thereby, allowing the use to go into the shopping center under the non-conforming parking regulations because the shopping center provides 17 parking spaces where 18 are required.

The Acting Zoning Administrator clarified that the application was to determine the parking rate and that a use permit was not required for the massage use.

The Acting Zoning Administrator asked the applicant if they had any questions regarding the findings and conditions in the draft resolution.

Acting Zoning Administrator Alford made several typographical changes and minor changes to the findings for approval.

The Acting Zoning Administrator opened the public hearing.

Attorney Robert Petrokofsky representing a nearby property owner spoke in opposition to the application due to a lack of sufficient parking and concerns about the type of use in close proximity to residential uses.

Jim Mosher was not clear on the exact scope of the request, inquired about standard conditions of approval related to life safety and discussed the City's massage use regulations and how they relate to state law.

There were no other public comments.

Action: Approved

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

ADJOURNMENT

The hearing was adjourned at 4:07 p.m.

The agenda for the Regular Hearing was posted on December 7, 2012, at 3:20 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building and on the City's website on December 7, 2012, at 3:15 p.m.

Patrick Alford, Acting Zoning Administrator

ADDITIONAL
MATERIALS
RECEIVED

Comments on January 13, 2013 Zoning Administrator Agenda Items

Comments by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, NB 92660 (949-548-6229)

Item B: Minutes of November 28, 2012

- Bottom of page 1: “**Zoning Administrator** Wisneski closed the public hearing.”

Item C. Minutes of December 12, 2012

Page 1:

- “Furthermore he added the trash enclosure condition of approval covers both new trash enclosures and existing trash enclosures to ensure trash is disposed of and stored properly.”

This does not match my recollection of what was said at the meeting. Condition 17 requires a three walls plus self-latching gate trash enclosure with decorative solid roof in which the dumpsters would be stored. This definitely does not describe the existing enclosure: two walls plus non-self-latching gate with no roof of any kind. The public was told that Condition 17 *would not* be applied to the existing structure, but it *would* be enforced if the structure was ever rebuilt.

- “Mr. Alford read into the record revised facts in support of findings for the resolution and approved the item as **submitted-amended**.” (or “**revised**”)

Page 2:

- “The Acting Zoning Administrator asked the applicant if they had any questions regarding the findings and conditions in the draft resolution.”
 - It would seem appropriate to include in the minutes what the response was.